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ON OCTOBER 5, 2005.

Andrea S. Winslow
ATTORNEY FOR APPLICANT
10/5/05
DATE

Attorney Docket No. C75128-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Graff *et al.* October 5, 2005
Serial No.: 10/653,325 Group Art Unit No.: 1618
Filed: September 2, 2003 Examiner: B. Fubara
For: MODIFIED RELEASE ORAL DOSAGE FORM

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321(b)/(c)

Sir:

Your petitioner, SmithKline Beecham Corporation, a corporation organized and existing under the laws of the Commonwealth of Pennsylvania and having its principal place of business at One Franklin Plaza, 200 North 16th Street, Philadelphia, Pennsylvania 19103, United States of America, and duly represented by the undersigned attorney of record, represents that it is the assignee of the full title and interest in and to the above-identified Application No. 10/653,325, filed September 2, 2003 for "Modified Release Oral Dosage Form" by virtue of the assignment being duly recorded at Reel 014081 and Frame 0854 in the United States Patent and Trademark Office on October 28, 2003, now U.S. Publication No. 2004/0076665 A1.

Your petitioner hereby disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term of U.S. Serial No. 10/471,477, as presently shortened by any terminal disclaimer, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same

Serial No. 10/653,325
Group Art Unit No. 1618

as the legal title to U.S. Serial No. 10/471,477, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

Your petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of U.S. Serial No. 10/471,477, as presently shortened by any terminal disclaimer, in the event that subsequent hereto U.S. Serial No. 10/471,477 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is the subject of any disclaimer under 37 C.F.R. 1.321 (a), has all claims cancelled by a reexamination certificate or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), please charge the \$130.00 fee required by this Petition under 37 CFR 1.20(d) to Deposit Account No. 19-2570. Please charge any additional fees under 37 C.F.R. § 1.16 or § 1.17 which may be required by this paper, or credit any overpayment to Deposit Account No. 19-2570.

Respectfully submitted,

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